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J1059 U.S. PTO

PATENT APPLICATION
Docket No. 16-089

WATTS, HOFFMANN, FISHER & HEINKE CO., L.P.A.
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Jc927 U.S. PTO
10/017833

12/12/01

Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the PATENT APPLICATION of
Inventor(s): Alan Glen Solheim et al.

For (Title): WAVELENGTH ASSIGNMENT IN AN OPTICAL WDM NETWORK

This new application is for a(n):

☐ Original ☐ Design ☐ Divisional
☐ Continuation ☒ Continuation-in-part (CIP)

Papers enclosed are:

24 Pages of Specification
7 Pages of Claims
1 Pages of Abstract
6 Sheets of Drawings (XX formal/ ☐ informal)
☐ Preliminary Amendment
☐ Information Disclosure Statement
XX Declaration or Oath (XX executed by inventors)
XX Applicant is a Small Entity
XX Assignment to Innovance Networks
XX cover sheet for Assignment accompanying new patent application
XX Priority being claimed from USSN 09/909,265, filed July 19, 2001
XX **Nonpublication Request**

CERTIFICATE OF MAILING BY U.S. EXPRESS MAIL

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date December 12, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL860973045US addressed to the: Assistant Commissioner for Patents, **BOX PATENT APPLICATION**, Washington, D.C. 20231.

Cherie Weaver

Name



Signature

Claim For Benefit of Prior US Provisional Application - 35 U.S.C. §119(e)

_____ The new application being transmitted claims the benefit of prior US provisional application(s) :

Provisional Application Number

Filing Date

Relate Back--35 U.S.C. 120

XX The new application being transmitted claims the benefit of prior U.S. application(s). Amend the Specification by inserting before the first line the sentence:

"This is a

_____ continuation
XXX continuation-in-part
_____ divisional

of copending application(s)

XXX serial number 09/909,265 filed on July 19, 2001; and
XXX serial number not yet assigned, filed on October 11, 2001.

Inventorship Statement

The inventorship for all the claims in this application(s) are:

XX the same.

Maintenance of Copendency of Prior Application

_____ A petition, fee and response extends the term in the pending prior application until _____.

_____ A copy of the petition filed in prior application is attached.

Abandonment of Prior Application (if applicable)

_____ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

[illegible]

Total Filing Fee Calculation	\$ <u>1298.00</u>
___ Design Application Filing Fee Calculation	\$___
<u>XX</u> Filing Fee for a Small Entity (50%)	\$ <u>649.00</u>
<u>XX</u> Fee for Recording Assignment (\$40)	\$ <u>40.00</u>

___ Charge Deposit Account No. 23-0630 in the amount of \$_____

Ken Smith
(signature)

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**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

Alan Glen Solheim

WAVELENGTH ASSIGNMENT IN AN OPTICAL
WDM NETWORK

16-089

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Date _____

Ken Smith

Signature

Kenneth J. Smith

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**